IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 31907 of 2006(W)

OS.335/2004 of MUNSIFF COURT, ALATHUR
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PETITIONER:

AYYAPPAN, S/O.VELAYUDHAN,
AGED 42 YEARS, RESIDING AT ALINGALPARAMBU HOUSE,
KAVASSERY AMSOM, DESOM, ALATHUR TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.JOHNSON P.JOHN
SRI.BABY MATHEW

RESPONDENTS:

DAMODHARAN, S/O.KUPPANDI,
RESIDING AT AMBAPARAMBIL,
KUNISSERY AMSOM, DESOM, ALATHUR TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.P.R.VENKETESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Ext.P1:- True copy of the salary certificate of petitioner dtd. 18.3.06

Ext.P2:- True copy of the E.A.191/06 dated 29.03.06.

Ext.P3:- True copy of the order dated 6.4.06 in E.A.191/06

M.SASIDHARAN NAMBIAR,J.

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W.P.(C) NO.31907 OF 2006

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Dated this the 22nd day of January 2007

JUDGMENT

Petitioner is a judgment debtor. Respondent is decree holder. This petition is filed under Article 227 of Constitution of India challenging the order passed in Ext.P3 application rejecting the claim of the petitioner to pay the decree debt in monthly instalments of Rs.1000/-. As per Ext.P3, petitioner offered to pay decree debt in monthly instalments of Rs.1000/-. Learned Munsiff on the objection raised by respondent disallowed the application holding that it would take more than three years to discharge the decree debt and in such circumstance, it cannot be allowed. The balance decree debt is only Rs.16,000/- with interest. In such circumstance, petitioner is permitted to pay decree debt in eight equal monthly instalments. It is made clear that if petitioner commits default in payment of two

instalments, the executing court is to proceed with arrest and detention.

Writ Petition is disposed as above.

M.SASIDHARAN NAMBIAR
JUDGE

tpl/-

M.SASIDHARAN NAMBIAR, J.

W.P.(C).NO. /06

JUDGMENT

SEPTEMBER,2006